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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL PROTECTION

333 W. Nye Lane, Room 138
Carson City, Nevada 89706

February 10, 2005

Notice Of Workshop & Public Hearing To Solicit Comments

The Nevada Division of Environmental Protection will hold a public hearing via video conferencing beginning at 12:30 p.m. on Thursday, March 10, 2005, at the Washoe County District Health Dept., 1001 East 9th St., Conference Room B, Reno, Nevada and at the Early Intervention Services, 3811 West Charleston Blvd., Room #209, Las Vegas, Nevada. The purpose of this hearing is to consider action on a proposed regulation amendment relating to NAC 459 of the Nevada Administrative Code regarding Storage Tanks.

Description and Need:

This Resolution includes adding to and amending NAC 459.9921 thru NAC 459.9978 to

- Broaden the definition of tanks to include above ground **marina storage tanks**;
- Include certain requirements for the location, leak detection and containment, piping, dispensers, and operation of above ground marina storage tank systems;
- Dispose of petroleum contaminated soil in an approved manner, and
- Correct obsolete language.

Presently, there are leak detection and prevention regulations for underground petroleum storage tanks. This regulatory change is needed to establish leak prevention and detection requirements for above ground marina tanks storing petroleum products near water bodies.

This regulatory change would separately allow for the disposal of petroleum-contaminated soil by alternate approved methods.

Estimated Economic Effect on Business:

The proposed regulation change would require Owner/Operator's of above ground marina storage tanks to meet criteria that ensures prevention of and detection of petroleum releases into or near water bodies. The economic impact to a business could be substantial if replacement of the current tank system(s) is required in order to comply with the regulation.

Each petroleum storage tank compartment would be subject to a \$100 annual registration fee.

The proposed regulation would not take affect prior to July 5, 2005 and full compliance would be required by September 30, 2006.

Estimated Effect on the Public:

The costs incurred to comply with the regulation by the O/O's of marina above ground petroleum storage tank(s) would be passed through to the public.

The public would be the beneficiary of cleaner and more protected waterways for recreation, agricultural, and other beneficial uses.

Estimated Cost to the Nevada Division of Environmental Protection (NDEP):

NDEP currently administers and regulates compliance to underground storage tank regulations. The Division will incur incremental additional expense to administer the above ground marina storage tank regulations. This cost could increase if the number of facilities regulated increased.

Overlapping Regulations:

The proposed regulations expand the 2003 International Fire Code requirements that have recently been adopted by the Nevada State Fire Marshall by including leak detection, leak prevention, and operational requirements for above ground marina petroleum storage tanks, piping, and fuel dispensers.

Interested persons who may be affected by, or want to comment on, the proposed amendment should appear at the public hearing to submit oral testimony and evidence. Those wishing to testify for more than five minutes should submit their request, in writing, to the Board to Review Claims, c/o Gil Cerruti, NDEP, Capitol Complex, 333 West Nye Lane, Carson City, Nevada, 89706, by March 4, 2005.

Comments, data, views, or arguments may also be submitted in written form to the Board to Review Claims, c/o Gil Cerruti, NDEP, Capitol Complex, 333 West Nye Lane, Carson City, Nevada, 89706. Information should be submitted no later than March 4, 2005, to be included in the Board handouts.

Copies of the proposed regulation amendment to be considered will be available for inspection after February 9, 2005, at 123 West Nye Lane, Room 208, Carson City,

Nevada and at 1771 E. Flamingo Rd., Suite 121A, Las Vegas, Nevada. Copies will be mailed upon request.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Board to review claims in care of Victoria Joncas, Capitol Complex, 333 West Nye Lane, Carson City, Nevada, 89706, facsimile (775) 687-5856, or by calling (775) 687-9367, no later than March 1, 2005.

Copies of this public notice have been posted at the Legislative Building in Carson City and at the Legislative Counsel Bureau in Las Vegas, all county libraries in Nevada, the State Library in Carson City, the Clark County Commission Chambers in Las Vegas, the Washoe County Commission Chambers in Reno, and at the offices of the Department of Conservation and Natural Resources in Carson City and Las Vegas.